

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LONER BLUE,

Civil No. 10cv3394 DSD/AJB

Plaintiff,

v.

O R D E R

JOAN FABIAN, MN-DOC Commissioner,
JESSICA SYMMES, MCF-OPH Warden,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Arthur J. Boylan dated August 23, 2010, all the files and records, and no objections having been filed to said Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's application for leave to proceed in forma pauperis, (Docket No. 2), is **DENIED**;
2. This action is **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1);
3. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the full \$350, in accordance with 28 U.S.C. § 1915(b)(2); and
4. The dismissal of this action is counted as a "strike" against Plaintiff for purposes of 28 U.S.C. § 1915(g).

LET JUDGMENT BE ENTERED ACCORDINGLY

Dated: September 10, 2010

s/David S. Doty
David S. Doty, Judge
United States District Court